IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3363 of 2001

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KAMLESHKUMAR M MEHTA - Petitioner(s)
Versus
HALVAD TALUKA KELAVANI MANDAL THROUGH PRESIDENT/MANAGER & 3 - Respondent(s)

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Appearance :
MR BIREN A VAISHNAV for Petitioner(s) : 1,
MR AJ SHASTRI for Respondent(s) : 1,
MR HARIN P RAVAL for Respondent(s) : 2,
MR AR THACKER for Respondent(s) : 3,
MS ML SHAH, AGP for Respondent(s) : 4,
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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 22/03/2006

ORAL JUDGMENT

1.In the present petition, the petitioner has challenged an order dated 30-01-2001 passed by the Gujarat

Affiliated Colleges Services Tribunal while rejecting the application no. 114 of 1992.

2.The petitioner was appointed as a senior clerk by the respondent no.1 by an order dated 01-08-1987. His appointment was subject to approval by the University and was on probation for a period of one year extendable at the end of the said period. The period of probation was extended once by one year by an order dated 30-04-1988. Subsequently, however, by order dated 14-05-1989, the petitioner was terminated from services without confirming his probation.

3.The petitioner has challenged the said decision of the employers by filing application no. 114/1992. The Tribunal rejected the application primarily on two grounds. Firstly it was held that petitioner did not possess the requisite experience qualification required for the post in question and decision of the University therefore, not to approve his appointment was justified. The Tribunal also found that there was inordinate delay in filing the application.

4.Even if the petitioner have some arguable case in over

coming the question of delay in filing application before the Tribunal, on substantive ground, I find that petitioner has no case. Indisputably, the petitioner did not possess necessary qualification or experience required in question. His appointment was subject to approval by University. He was informed that he can be terminated before his probation is brought to an end. While still in probation his services came to be terminated by employer on the ground that University did not approve his appointment. I find that respondent committed no error. The Tribunal in turn was justified in rejecting the application of the petitioner. The petition therefore, deserves to be and is hereby rejected. Rule is discharged with no order as to costs.

(Akil Kureshi,J.)

(raghu)